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## Chapter 3

# Competitive Authoritarianism In South East Europe

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### 1. Introduction

One of the greatest problems with the stabilization of electoral systems in new democracies has been continuous change in electoral rules. This was the case in Central East European (CEE) countries (Birch 2000, 1), but even more so in South East European (SEE) countries. By the end of 1990s, most of the new democracies in Central Europe had matured and stopped manipulating the rules, meaning that the rules ceased to be the object of elections. The stabilization of electoral systems contributed to the stabilization of democracy in these countries. Elections enabled the electorate to bring down old governments and bring in new ones, which, on many accounts, defines the core of democracy.

The electoral process in SEE countries, as well as former Soviet republic countries, lagged behind during the 1990s. While CEE countries experienced electoral competition, in most Balkan countries wars were conducted in place of elections, and the expression of general will by election was trumped by national interests that were established through extra-electoral means. Of course, the delay in consolidation of democracy was coupled with delays in many other aspects of democratisation. The major reason for the slow pace of democratisation was the influence of an authoritarian political elite, which demonstrated a persistent tendency toward creating obstacles to democratisation and the introduction of institutions of a market economy. The nature of such regimes and their relations to elections is the subject of this paper.

The poor performance of new democracies in the Balkans (Albania, Bosnia, Croatia, FYROM, Romania, Bulgaria, Serbia & Montenegro, and Kosovo) resulted in relatively poor ratings of electoral process in the 1990s, which improved only in the past couple of years. According to the Freedom House (FH) ratings, of all other five areas of democratisation reviewed by FH (media, civil society, governance, rule of law, corruption), the Balkan countries received their best ratings for electoral process. For example, the average overall score for the Balkan countries in 2004 was 3.84 (scores ranged from 1 – 7, lower numbers representing better performance), whereas the average score for electoral process was 3.14. (Balkan countries performed much worse in other areas: average ratings for civil society was 3.19, media 3.94, governance 4.28, rule of law 4.36, and corruption 4.97.) However, the Balkan countries' joint average

ratings for electoral process is still far worse than the average for the new EU members, which in 2004 was 1.59.

	1997	1998	1999	2001	2002	2003	2004
Albania	4.25	4.50	4.25	4.00	3.75	3.75	3.75
Bosnia	n/a	5.00	5.00	4.75	4.25	3.75	3.50
Bulgaria	3.25	2.75	2.25	2.00	2.00	2.00	1.75
Croatia	4.00	4.25	4.25	3.25	3.25	3.25	3.25
FYROM	3.50	3.50	3.50	3.75	4.50	3.50	3.50
Romania	3.25	3.25	2.75	3.00	3.00	3.50	2.75
Yugoslavia	n/a	5.00	5.50	4.75	3.75	3.75	n/a
Serbia	n/a	n/a	n/a	n/a	n/a	n/a	3.50
Montenegro	n/a	n/a	n/a	n/a	n/a	n/a	3.50
Kosovo	n/a	n/a	n/a	n/a	n/a	n/a	5.25
<b>Average</b>	<b>3.65</b>	<b>4.06</b>	<b>3.93</b>	<b>3.64</b>	<b>3.50</b>	<b>3.25</b>	<b>3.14</b>
<b>Median</b>	<b>3.50</b>	<b>4.25</b>	<b>4.25</b>	<b>3.75</b>	<b>3.75</b>	<b>3.50</b>	<b>3.50</b>

Table 1: Freedom House ratings for electoral process in the period 1997-2004. (In: Alexander J. Motyl and Amanda Schnetzer, eds. *Nations in Transit 2004: Democratization in East Central Europe and Eurasia* (Landham, MD: Rowman and Littlefield, 2004).

Poor electoral performance is, in some cases, a result of the tendency to frequently either violate or change electoral rules. In other cases, poor performance is a result of the lack of technical skills to organize elections. In other words, democracies in SEE during the 1990s could not stabilize because the electoral process could not stabilize. The reason why the electoral rules keep changing is that they tend to be seen as the spoils of the political game. Whereas in CEE countries the electoral system at first was seen as transitional – where every subsequent change has been less and less extensive – some Balkan countries’ electoral systems continue to be viewed as transitional whenever necessary. For instance, no two consequent elections have been held under the identical rules in Croatia or Serbia. Each time, the government modified the rules to secure victory in the next elections. The Serbian electoral system was radically reformed (from PR into majoritarian) in 1992 (just as it was in Bulgaria and Ukraine), but radical change does not necessarily have to lead to destabilisation of the system. What matters is not the overall type of change, but rather the modification of the rules and procedures that bring about a fair outcome and insure fair access to electoral resources.

In this paper, I want to claim that—apart from many other means that authoritarian rulers resorted to in order to safeguard their governments — electoral rules were frequently used as a means to insure the stability of authoritarian regime. By drawing on the theory advanced by Levitsky & Way (2002), I claim that the cases of Serbia and Croatia represent the types of regimes where the violation of electoral rules by the post-communist incumbents was the key characteristic. These hybrid democratic or semi-authoritarian regimes used the institutions of free elections to legitimise their democratic

character but, at the same time, persistently undermined the very same institutions of free elections.

## 2. Change

The electoral aspect of the consolidation of democracy is especially relevant for the type of political regimes that were established in some of the Balkan countries in the beginning of the 1990s. Clarity on the nature of such systems is critical for understanding the role electoral processes played in their survival throughout the 1990s, as well as for understanding their breakdown around the turn of the century. Consider, for example, Serbia and Croatia, two cases of stalled democratisation in the Balkans during the 1990s. Both countries could be classified as democracies that in the 1990s failed to consolidate.

Classifying Serbia and Croatia as democracies in the 1990s may raise some eyebrows. I begin this classification by saying that an attempt to classify these two countries as non-democratic types (authoritarian, totalitarian or dictatorship) does not take into account seriously enough the fact that both regimes tolerated the opposition. No non-democratic system tolerates genuine opposition, which is why, at least initially, we have to accept that any system that has opposition and elections must be a sort of democracy.

In *Embodying Democracy*, Sarah Birch claimed that most electoral systems that were established in the beginning of the 1990s were democratic in nature. The founding elections were meant to 'reflect democratic norms so as to legitimize the representative system as a whole' (Birch 2000, 19). This was even more characteristic for Croatia and Serbia, which, just like in the CEE countries, ensured total enfranchisement but did not provide for full contestation. The debate about the terms of contestation involved issues such as the 'means through which contestants were able to mobilize support and rules of governing the way in which the winners were ultimately decided' (ibid. 22). Birch does not discuss the cases of Serbia and Croatia, but this was the case there too, for, although everyone had the right to vote, not everyone had the same access to political resources with which to shape electoral rules. This was the major advantage of the ruling elite that the opposition lacked at the onset of the transition.

Although the scope of unequal terms of contestation had a decisive bearing on the nature of elections and the regime in Serbia and Croatia, the cases of Serbia and Croatia could still fall under the category of democracies, for no matter how big the level of electoral manipulation was, the possibility for governmental change through the elections was retained, and the opposition still had a chance to replace the government through the elections.

Now, the number of authors who argued that democracy cannot be reduced solely to elections has increased recently. This claim was first put forward by Guillermo O'Donnell [1994], and recently even more systematically by Wolfgang Merkel in *Defektive Demokratie* (2003). Both authors claim that elections, even if organized meticulously, are not enough to constitute democracy, but they were nonetheless prepared to name such systems democracies (if only delegative or defective democracies). I claim that these regimes were democracies not only because they tolerated opposition, but because regime change took place according to the electoral rules. What happened in Croatia and Serbia in 2000 corroborates this thesis.

### 3. Electoral Authoritarianism

The presence of the opposition in both regimes brings into the picture the issue of elections. Namely, if there is an opposition, and it is not bogus, there must be elections. But what kind of elections? The answer to this question will help us answer the question: what kind of regime? The type that best describes the form of regime that developed in some SEE countries in which democratisation was stalled has been termed electoral authoritarianism (or competitive authoritarianism). This model was advanced by Levitsky and Way. They term competitive authoritarianism any regime in which:

'formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such a great an extent, however, that the regime fails to meet conventional minimum standards for democracy' (Levitsky & Way 2002, 52).

The point at which a competitive authoritarian regime differs from democracy is not in failing to meet standards for democracy (because such standards are sometimes not met by embedded democracies themselves). The point is rather that in competitive authoritarianism, the rules are violated in such a systematic way that elections, although initially designed as free and fair, fail to provide for a fair framework for an electoral game that permits the opposition to win. As Levitsky & Way point out:

'Although elections are regularly held and are generally free of massive fraud, incumbents regularly abuse state resources, deny the opposition adequate media coverage, harass opposition candidates and their supporters, and in some cases manipulate electoral results. Members of the opposition may be jailed, exiled, or—less frequently—even assaulted or murdered. Regime characterized by such abuses cannot be called democratic' (ibid. 53).

Although electoral rules are violated and the opposition is trampled on, the incumbents in competitive authoritarianism never succeed in reducing elections to a mere façade. The rules are kept, and incumbents attempt to find some roundabout way to achieve the outcome of political process that would be the same as if the elections were not held. The methods that are frequently resorted to are bribery, cooptation, taxes and fines, harassment etc. In spite of such attempts, in electoral authoritarianism, elections are frequently bitterly fought and they often retain considerable uncertainty. As opposed to democracy, where ruling parties lose usually elections, electoral authoritarianism is a system where oppositions lose elections (Schedler 2002, 47). Electoral fraud is common, but it is also common that the opposition does one day win the election. This is what happened in Serbia and Croatia—these regimes enabled the opposition to win the elections under the rules established by the regimes themselves. This is entirely in line with Levitsky & Way's conclusion: 'Although incumbents may manipulate election results, this often costs them dearly and can even bring them down' (Levitsky & Way 2002, 55).

#### 4. Examples

Although electoral authoritarian regimes do not meet many of the most basic standards of democracy, it is wrong to argue that these regimes are not democracies. Among post-communist countries, one could differentiate between consolidating democracies and democracies that failed to consolidate. The first group would encompass all democracies that consolidated during the 1990s and joined the EU in 2004. The second group is made up of the countries that experienced delayed democratisation due to authoritarian regression. In these democracies, elections are the means by which authoritarian rulers ensure their democratic legitimacy by managing to keep a semi-authoritarian nature of the regime.

The claim of this paper is that Serbia and Croatia from the 1990s were hybrid regimes, or hybrid democracies. The essence of a hybrid regime is, naturally enough, that it cannot fall under an ideal type. But its hybrid quality consists in the fact that it failed to consolidate as either type—as a democracy or as an authoritarian regime. This is quite a natural conclusion if it is understood that the regimes combined both authoritarian and democratic elements. In addition, the regime was hybrid because it was not clear, at the time of the analysis, into what it could develop. Put another way, during the 1990s there was an approximately equal chance for the political regimes in Serbia and Croatia to evolve either into authoritarianism and or into democracy.

To show that both Serbia and Croatia used to fall under the category of electoral authoritarianism, I need to do two things. First, I have to give some examples showing that the regimes did violate the electoral rules. Second, I have to prove

that the regimes were replaced at elections, that is, according to the existing electoral rules.

In the Serbian case, only the 1990 presidential and parliamentary elections were held without violating established norms. Already during the 1992 elections electoral fraud was observable and widespread. After the closure of electoral booths, the ballot boxes were supposed to be forwarded to the republic electoral commission that was supposed to count the ballots. Instead of getting there, the boxes were kept with the local assemblies for a few days, although this procedure was not specified in the electoral legislation. The regime's media did not hide what local officials (all members of the ruling party) did with the boxes: according to the reports, the local incumbents 'viewed the material and sorted out the data' (Goati 1999, 130). Another type of massive electoral fraud took place in 1996. After the opposition won 40 out of 189 municipalities, including 16 big cities, the local electoral commissions invalidated electoral results and called, in many municipalities, for their repetition. In addition, the local electoral commission manipulated electoral registries and put falsified ballots into ballot boxes (Goati 1999, 104-108). Something similar happened at the presidential elections in 1998, when the Milosevic-sponsored candidate Milan Milutinovic won 100% of the votes in villages on Kosovo populated exclusively by the Albanian population.

The Croatian experience with authoritarianism and its path to democracy during the 1990s differed in some aspects from the Serbian way, but elections did play similar role in the matrix of the Tudjman regime. The frequent change of electoral rules was one of the obstacles for consolidation of democracy (Zakosek 2002, 26). 'During the 1990s, the dominant position of the ruling HDZ and its leader and president Franjo Tudjman was enabled also by electoral politics. Specific political monopoly that HDZ established during the 1990s made the electoral regime change less likely and more difficult to achieve' (ibid. 63).

Yet the scope of electoral fraud in Croatia was not as extensive as in Serbia. Manipulations with elections usually took place before rather than after the elections. The ruling HDZ and president Franjo Tudjman changed electoral rules before every election (Zakosek 2002, 19-26). The major purpose of these frequent changes was solely to ensure that the ruling HDZ remained in power, which blocked democratic transformation (ibid. 26-29; 64). Amendments to electoral legislation were frequent. The will of citizens was also violated after elections took place. This was the case of 1996 election for the Zagreb city hall. Although the opposition won the majority, Franjo Tudjman, whose party held power at the national level, simply refused to acknowledge the outcome, thus blocking the work of the city hall for several months.

It goes without saying that the authoritarian government in Croatia peacefully surrendered power when it lost elections on January 3, 2000. Regime change took place entirely according to the existing electoral procedures. In the Serbian

case, this demonstration is in need of an additional argument because many have claimed that what happened in Serbia was a revolution rather than government change brought about by elections.

To reject the claims that the Milosevic regime broke down in a revolution, it would need to be argued that the government change occurred according to the procedures, instead in a revolutionary overthrow. I do not want to dispute that some sort of revolutionary activity and spirit was present on October 5, 2000. However, the extra-legal activities that took place were not directed at taking over the government, but rather at making Milosevic accept electoral defeat and recognize the electoral outcome, which he did on October 6. Street protestors waited for Milosevic to step down because he lost the election, and they wanted only *him* to step down. Other government institutions and regime bodies were left intact. The change in government, therefore, occurred, just like in Croatia, according to the existing electoral rules. What happened between the election day and the day Milosevic stepped down, and how it affected Milosevic's decision to acknowledge the electoral outcome is for this analysis irrelevant.

## 5. Sticky Rules

Serbia and Croatia could be regarded as democracies that failed to consolidate during the 1990s, but they also could be viewed as semi-authoritarian regimes that failed to consolidate. The reason for this is the very nature of the transitional institutions of the hybrid regime. In a hybrid regime, electoral rules do not become sticky easily. However, most new democracy cases 'provide limited evidence for the notion that once in place electoral systems become a part of a set of self-reinforcing structures. Virtually, all of the founding electoral systems were viewed as transitional by their framers' (Birch 2000, 173). This indeed went for all post-communist regimes, irrespective of the type of regime.

What enabled the longevity of the authoritarian governments was the unfavourable outcome of the first post-communist elections in Serbia and Croatia. These elections failed to produce an outcome that would immobilize authoritarian elites' ability to insure their rule by election amending and election rigging. This phenomenon was somewhat different from what happened in CEE countries, where electoral rules became embedded relatively quickly. Sarah Birch claims that electoral rules became sticky due to the fact that the level of uncertainty decreased. She writes:

'Once a new democratic electoral system has operated in practice for the first time, the strategic context is altered. At this stage uncertainty decreases, actors become increasingly more knowledgeable, and better aware of their interest, and successful contestants become institutionally embedded in the structures of the parliamentary chambers to which they have been elected. Likewise parliament becomes the main locus of

decision-making. We ought to expect electoral systems to become “sticky” at this point, and path dependency may be important explanatory factor’ (Birch 2000, 20)

This was the perfectly acceptable conclusion for most CEE countries, but not for Serbia and Croatia. The questions remains: why in these two countries, after the immediate post-communist uncertainty decreased, did the rules not become embedded as they did in most CEE countries? The answer was given by Birch—because the majority required to rig elections did not exists in the CEE countries:

‘Firstly, there was one case (Hungary) where change was absent because there was no realistic chance of achieving it (Hungary) [...] Secondly, there were cases where significant change was desired by many, but not sufficiently many to bring it about (Czech Republic to 2002, Slovakia, Romania and Russia); [...] Thirdly, there were two cases where considerable change was wrought within the confines of the basic electoral architecture (Poland in 1993 and 2001 and the Czech Republic in 2002)’ (ibid. 285-6).

In Serbia and Croatia it so happened that the first post-communist elections produced one-party government, which affected the total government and judicial structure in a very unfavourable manner—checks and balances failed to become embedded. This enabled constant change of electoral rules, which is why they did not become sticky.



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